



05 MAY 2006

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In re Application of
BENNETT et al.
Application No.: 10/519,729
PCT No.: PCT/NZ03/00136
Int. Filing Date: 30 June 2003
Priority Date: 28 June 2002
Attorney Docket No.: 31036.401USPC
For: UTILITY USAGE EVALUATION SYSTEM
AND METHOD

DECISION

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 10 March 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 30 June 2003, applicants filed international application PCT/NZ03/00136, which designated the United States and claimed a priority date of 28 June 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 08 January 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 December 2004.

On 28 December 2004, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date were required, and an assertion of small entity status.

On 27 June 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).

On 27 October 2005, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a two-month extension of time, a declaration of inventors, a declaration of facts by Geoffrey William Bennett, a declaration of facts by Bruce Kerr, and a declaration of facts by Craig Morison.

On 11 January 2006, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) without prejudice for failing to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort.

On 10 March 2006, applicants submitted the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors signed by all the joint inventors.

DISCUSSION

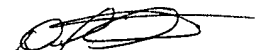
Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declaration of inventors filed 10 March 2006 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



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